IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 24670 of 2003

Between:

T.P.Reddy s/o Ram Reddy
R/o Flat No.24., High Way Colony., L.B.Nagar.,
Old Check Post., Chintalakunta., Hyderabad.

..... PETITIONER

AND

1.The Regional Manager., A.P.S.R.T.C., Nalgonda Region.,

Nalgonda., Nalgonda District.
2.The Deputy Chief Traffic Manager., APSRTC., Nalgonda.,

Nalgonda District.
3.The Depot Manager., A.P.S.R.T.C., Nalgonda Bus Depot.,

Nalgonda., Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in passing the order dated 29-1-94 as illegal, arbitrary and unjust and consequently set aside the same and further direct the respondent to add the increments and to pay consequential benefits which flow on adding such increments.

Counsel for the Petitioner: MR.Y.SUBBA RAO

Counsel for the Respondents: MR.K.HARINATH (SC FOR APSRTC)

The Court made the following:

ORDER:

The petitioner questions the Order dated 29.01.1994 of the 3rd respondent-Depot Manager, APSRTC, Nalgonda in proceedings No.02/62(42)/93 NLG, imposing punishment of postponement the annual increment of the petitioner for a period of one year with cumulative effect.

It is not disputed by the respondents that the said order of punishment imposing postponement of annual increment for a period of one year with cumulative effect is a major punishment and therefore, the said order cannot be made without conducting enquiry.

Only show cause notice has been issued and charges were framed. An explanation has been filed by the petitioner, disputing the allegations made in the show cause notice. But without conducting enquiry, the said punishment has been imposed. It is stated that he has filed an appeal in which the order of the 3rd respondent was also confirmed on 17.4.1996 and he filed a review petition, which was rejected on 22.12.1997 and thereafter, he has made a mercy petition in the year 1998, which is still pending.

It is stated that the issue raised in the petition squarely covered by the

judgment in the W.P.No.12308 of 2004, wherein this Court held that imposing penalty of deferment of annual increments with cumulative effect is a major penalty and it cannot be imposed without conducting regular departmental enquiry.

Having regard to the facts and circumstances of the case, as imposition of the said major punishment without conducting enquiry is illegal and the Order of the 3rd respondent dated 29.01.1994 is set aside. It is always open for the respondents to conduct an enquiry, but as the incident of certain cash and ticket irregularities took place in the year 1993, I am of the view that it may not be just and competent to conduct a regular departmental enquiry at this juncture, but if the punishment of postponing one annual increment without cumulative effect is imposed, which is a minor penalty, it will meet the ends of justice.

Accordingly, the Writ Petition is disposed of modifying the penalty of deferment of one annual increment with cumulative effect to that of deferment of one annual increment without cumulative effect. There shall be no order as to costs.

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12th AUGUST 2004

GS/BSS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Regional Manager., A.P.S.R.T.C., Nalgonda Region.,

Nalgonda., Nalgonda District.
2.The Deputy Chief Traffic Manager., APSRTC., Nalgonda.,

Nalgonda District.
3.The Depot Manager., A.P.S.R.T.C., Nalgonda Bus Depot.,

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